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REMARKS

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Claims 1-3, 5-10 and 12-14 are now present in this application. Claims 1 and 8 are independent. Claims 1 and 8 have been amended. Reconsideration of this application, as amended, is respectfully requested.

Rejection Under 35 U.S.C. § 112

Claims 1-14 stand rejected under 35 U.S.C. § 112, 1st Paragraph. Further, Claims 1-14 stand rejected under 35 U.S.C. § 112, 2nd Paragraph. These rejections are respectfully traversed.

The Examiner states that the original specification does not disclose an apparatus and a method for displaying audio, as recited in claims 1 and 8. The Examiner further states that the specification does not appear to reveal what "displaying audio" entails.

In order to overcome this rejection, Applicants have amended claims 1 and 8 to recite an apparatus and a method for automatically switching an audio mode in a digital TV. Support for this amendment can be seen in paragraphs [0003] – [0008] of the present application.

Applicants respectfully submit that the claims, as amended, are fully supported by and adequately described in the written description of the invention. Further, Applicants respectfully submit that the claims, as amended, particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

Rejections under 35 U.S.C. §103

Claims 1-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nordqvist et al. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Independent claim 1 has been amended to recite, among other features, a preprocessing part configured to collect sample audio data, to extract features from the collected sample audio data

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and to classify the extracted features according to preset audio kinds by using a learning model. Amended independent claim 8 includes similar features in a varying scope.

The present invention is directed to an apparatus and a method for switching an audio mode in a digital TV. However, Nordqvist et al. teaches a hearing prosthesis that automatically adjusts itself to a surrounding listening environment. To rely on a reference under 35 U.S.C. 103, the prior art must be analogous to the applicant's field of endeavor. *See M.P.E.P. 2141.01(a)*. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." MPEP 2141.01(a) (citing *In re Oetiker*, 977 F.2d 1443, 1446 (Fed. Cir. 1992)). It is respectfully submitted that the hearing prosthesis in Nordqvist et al. is not in the field of Applicants' endeavor, which is a digital TV. Further, it is respectfully submitted that the hearing prosthesis in Nordqvist et al. is not reasonably pertinent to the problem that the Applicants attempt to solve in the present invention. Nordqvist et al. attempts to provide a hearing prosthesis that automatically classifies the user's listening environment so that the user would not have to manually adjust the hearing prosthesis to the listening environment. However, the present invention is not directed to adjusting the digital TV to the listening environment. Rather, the present invention is directed to an apparatus or a method for automatically switching audio mode depending on the types of audios. Therefore, it is respectfully submitted that Nordqvist et al. is not a proper reference under 35 U.S.C. 103.

Further, Nordqvist et al. teaches extracting feature vectors that represent predetermined signal features of the consecutive signal frames of the digital input signal, wherein the predetermined signal features are extracted from a predetermined sound source that represents any natural or synthetic sound source. (see col 3, lines 10-20 and col. 5, lines 28-33 of Nordqvist et al.). Nordqvist et al. further teaches comparing the feature vectors to Hidden Markov Model's associated real life listening environments. However, Nordqvist et al. does not teach or suggest extracting features from the collected sample audio data and classifying the extracted features according to preset audio kinds by using a learning model. Although Nordqvist et al. teaches using temporal and spectral characteristics of a predetermined sound source in the training of its

associated Hidden Markov Model (see col. 8, lines 13-16) and further teaches training the Hidden Markov Model to model a particular sound source, Nordqvist et al. does not teach classifying the features extracted from the collected sample audio data, according to preset audio kinds by using a learning model. Therefore, Nordqvist et al. fails to teach the features recited in amended independent claims 1 and 8.

Accordingly, amended independent claims 1 and 8, and each of the claims depending therefrom are allowable.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Jun S. Ha., Registration No. 58,508, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.
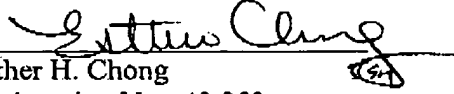
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      If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: **JAN 2 8 2009**   Respectfully submitted,

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